

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**DERRICK MAGIYA AGASA,**

Petitioner,

v.

**UNITED STATES OF AMERICA,**

Respondent.

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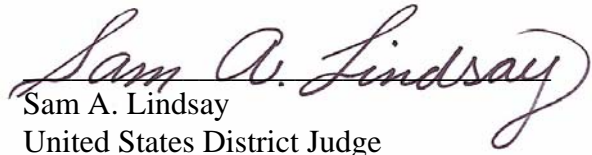
Civil Action No. **3:06-CV-2120-L**

**ORDER**

This action was brought by Petitioner as an application for the writ of habeas corpus under 28 U.S.C. § 2255. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, this action was referred to the United States magistrate judge for proposed findings and recommendation. On January 26, 2007, the Findings and Recommendation of the United States Magistrate Judge were filed, to which no objections were filed.

After making an independent review of the pleadings, file, and record in this case, the court determines that the findings and conclusions of the magistrate judge are correct. They are, therefore, **accepted** as those of the court. Accordingly, this case is **dismissed without prejudice** for lack of jurisdiction because this court has no jurisdiction to either grant habeas relief under § 2255 for a denial of an immigrant visa application, or to compel an immigrant's entry into the United States.

**It is so ordered** this 28<sup>th</sup> day of February, 2007.

  
Sam A. Lindsay  
United States District Judge